



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,413	11/26/2003	Kai Miao	P16482	2625

28062 7590 10/05/2006

BUCKLEY, MASCHOFF, TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,413

Applicant(s)

MIAO, KAI

Examiner

Thjuan P. Knowlin

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Cui et al (US Patent Application Publication, Pub. No.: US 2003/0223562 A1).

2. The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

3. In regards to claims 1, 14, and 23, Cui discloses a mixer (See Fig. 8 and single mixing unit 850), stream mixing method, and article of manufacture, comprising a single processor to couple to two sub-conference nodes (See Fig. 8, mixing group 830 and potential mixing group 810), to select at least a portion of information (e.g., audio stream) received from the two sub-conference nodes, and to transmit that selected

portion of information to the two sub-conference nodes (See page 4, paragraph [0057] – [0059]).

4. In regards to claims 2, 19, and 24, Cui discloses the mixer, stream mixing method, and article of manufacture, wherein the portion of information transmitted to the first sub-conference and the portion of information transmitted to the second sub-conference are selected sequentially by the processor (for example, the processor selects and transmits the audio stream depending on who is currently speaking) (See page 4, paragraph [0058]).

5. In regards to claim 3, Cui discloses the mixer, wherein the portion of information transmitted to the first sub-conference is selected by the processor based on an attribute (e.g., identifier, group, etc.) received from the first sub-conference (See page 4, paragraph [0058]).

6. In regards to claims 4 and 15, Cui discloses the mixer and stream mixing method, wherein the portion of information transmitted to the first sub-conference is modified by the processor and the portion of information transmitted to the second sub-conference is unmodified (e.g., adjusted) based on a change in the attribute received from the first sub-conference (See page 4, paragraph [0058]).

7. In regards to claim 5, Cui discloses the mixer, wherein the portion of information transmitted to the first sub-conference is selected by the processor based on audio activity (e.g., caller currently speaking) sensed at the first and second sub-conferences (See page 4, paragraph [0058]).

8. In regards to claim 6, Cui discloses the mixer, wherein a third sub-conference node (See Fig. 8 and no mixing group 820) is coupled to the single processor during a conference and the single processor selects at least a portion of information received from the three sub-conference nodes, and transmits that selected portion of information to the three sub-conference nodes (See page 4, paragraph [0055] and page 4, paragraph [0058] – [0059]).

9. In regards to claim 7, Cui discloses a mixer (See Fig. 8 and single mixing unit 850), comprising: an input (See Fig. 8 and IO ports 851 and 853) to couple to at least two sub-conference nodes; and output (See Fig. 8 and output port 852) to couple to the at least two sub-conference nodes; a storage device (See Fig. 7 and conference call database 700) to contain attributes of each sub-conference node; and a single processor coupled to the input, the output, and the storage device to format information incident at the input, and output at least a portion of that information at the output in accordance with the attributes (See page 4, paragraph [0058] – [0059]).

10. In regards to claims 8 and 25, Cui discloses the mixer and article of manufacture further comprising a voice activity detector (e.g., processors 1 through n and a switch control unit and active speech detectors 412, See Fig. 4) coupled to the sub-conference nodes and the input to provide conference information from at least one of the sub-conference nodes to the mixer if audio activity is detected at the least one sub-conference node (See page 3, paragraph [0033] and page 4, paragraph [0058]).

11. In regards to claim 9, Cui discloses the mixer, wherein conference information is not provided at the output for at least one of the sub-conference nodes when audio

activity is not detected by the voice activity detector from that sub-conference node (See page 4, paragraph [0059]).

12. In regards to claim 10, Cui discloses the mixer, wherein the attributes are stored in a party information table (See Fig. 7).

13. In regards to claims 11 and 21, Cui discloses the mixer and stream mixing method, wherein the storage device is random access memory (See page 3, paragraph [0037]).

14. In regards to claim 12, Cui discloses the mixer, wherein the storage device is a magnetic disk (See page 3, paragraph [0037]).

15. In regards to claim 13, Cui discloses the mixer, further comprising a second processor communicating with the storage device to vary attributes contained in the storage device (See page 5, paragraph [0061]).

16. In regards to claim 16, Cui discloses the stream mixing method, wherein changing the number of data streams includes adding a data stream for an additional sub-conference (See page 4-5, paragraph [0060]).

17. In regards to claims 17 and 22, Cui discloses the stream mixing method, further comprising modifying an attribute of the first sub-conference without modifying an attribute of the second sub-conference while the conference is in progress (See page 4, paragraph [0055] – [0056]).

18. In regards to claim 18, Cui discloses the stream mixing method, wherein modifying an attribute of the first sub-conference includes modifying the audio volume at

the first sub-conference without modifying the audio volume of the second sub-conference, while the conference is in progress (See page 3, paragraph [0042]).

19. In regards to claims 20 and 26, Cui discloses the stream mixing method and article of manufacture, wherein information as to how the streams for the first and second sub-conferences are to be mixed is stored in a data storage device (See page 3, paragraph [0038]).

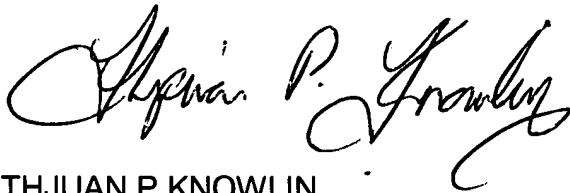
Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kressin (US Patent Application Publication, Pub. No.: US 2004/0001091 A1) teach a method and apparatus for video conferencing system with 360 degree view. Shaffer et al (US 6,978,001) teach a method and system for controlling audio content during multiparty communication sessions.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Thjuan P. Knowlin". The signature is fluid and cursive, with the first name "Thjuan" being more prominent and stylized than the last name "Knowlin".

THJUAN P KNOWLIN
PATENT EXAMINER
TECHNOLOGY CENTER 2600